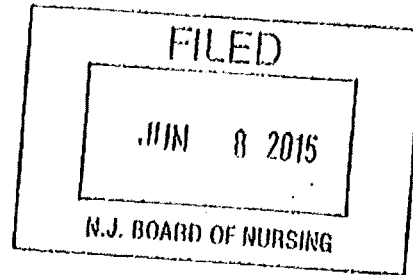
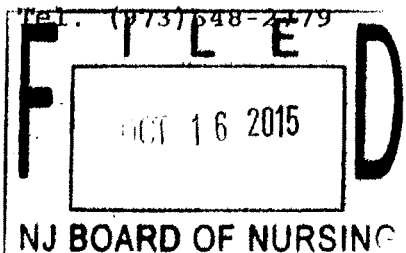


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Nelly D. Cardenas, C.H.H.A.
Certificate No. 26NH07219800

HOMEMAKER HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF
DISCIPLINE

☒ FINAL ORDER OF DISCIPLINE
(Finalized by default
on October 16, 2015 / 10/16/15)

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Nelly D. Cardenas ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. The Board received information from Stephen Chencharik, Associate Director of Bayada Home Health Care ("Bayada") that Respondent, who was employed by Bayada, was terminated for falsifying patient documentation. Specifically, Respondent submitted time sheets, which she signed and on which the patient's signature had been forged by the patient's son, for a period of time that the patient was in Puerto Rico. Respondent admitted that she submitted the falsified time sheets with the forged signatures, which she and the patient's son had prepared together to Bayada. Respondent refunded \$449.88 to Bayada for the time she was paid for but did not work.

CONCLUSIONS OF LAW

Respondent's admission that she submitted false time sheets for time not worked, with forged patient signatures, demonstrates that Respondent engaged in acts constituting crimes which relate adversely to the practice of homemaker-home health aide care in violation of N.J.S.A. 45:1-21(f), professional misconduct in violation of N.J.S.A. 45:1-21(e), and dishonesty, fraud, deception and misrepresentation, in violation of N.J.S.A. 45:1-21(b). These violations subject Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 8th day of June, 2015,
ORDERED that:

1. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent's certificate to practice as a homemaker-home health aide shall be suspended for a minimum period of one (1) year from the date of the filing of a FINAL ORDER OF DISCIPLINE.

2. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall promptly, within 5 (five) days, mail her certificate, wall and wallet version, to practice as a homemaker-home health aide to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

3. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall immediately cease and desist from holding herself out as a certified homemaker-home health aide and/or practicing as a homemaker-home health aide, which includes, but is not limited to, performing delegated nursing regimens or nursing tasks delegated through the authority of a duly licensed professional nurse. Any practice in this State shall constitute grounds for a charge of unlicensed practice.

4. Upon the filing of a FINAL ORDER OF DISCIPLINE Respondent is assessed a civil penalty in the amount of two hundred fifty dollars (\$250.00). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010,

Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

5. A reprimand is imposed upon Respondent for engaging in professional misconduct.

6. If Respondent's certification as a homemaker-home health aide is reinstated, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

7. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry here of unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of by:

- a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a FINAL ORDER OF DISCIPLINE will be entered.

9. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

10. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any

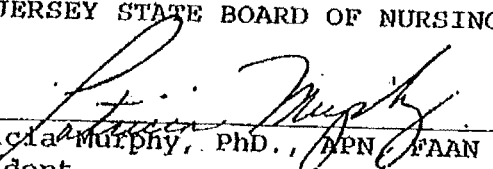
sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

11. The Board reserves the right to initiate disciplinary proceedings based upon new information the Board receives.

12. Any violation of this order by Respondent shall constitute grounds for such proceedings as are permitted by law.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD., RPN, FAAN
President